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RUEHBJ/AMEMBASSY BEIJING 5599
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RUEHLM/AMEMBASSY COLOMBO 1446
RUEHKA/AMEMBASSY DHAKA 1422
RUEHNE/AMEMBASSY NEW DELHI 2415
RUEHPB/AMEMBASSY PORT MORESBY 4088
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RUEHHK/AMCONSUL HONG KONG 3093
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 002083

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DEPT FOR EAP, EAP/MTS, EAP/MLS, DRL/AWH
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TAGS: PGOV KISL SOCI ID

SUBJECT: CRITICISM OF ANTI-PORNOGRAPHY BILL RAMPS UP

REF: JAKARTA 2020 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

¶1. (U) This message was coordinated with Consulate General Surabaya.

¶2. (C) SUMMARY: The recent passage of an anti-pornography bill by Parliament continues to spark recriminations in Indonesia. Opposition to the bill has come from a broad spectrum of mostly secular-oriented groups, including political parties and civil society, who charge that the bill can be used by religious conservatives to constrain personal liberties. Residents of Bali and Papua--largely non-Muslim areas--have also joined in the criticism. Muslim-oriented parties continue to vocally support the bill. The whole matter will probably be settled by the courts. END SUMMARY.

RAMP UP IN CRITICISM

¶3. (SBU) The October 30 passage of an anti-pornography bill by Parliament continues to spark recriminations. Supporters of the bill say its aim is to stop the distribution of pornography in all of its forms in Indonesia. It provides for long-term jail terms and large fines for violation of the bill's provisions. The bill was strongly supported in its passage by Muslim-oriented parties in Parliament. The government has indicated that it will allow the bill to become law (the bill is slated to become law later this month, one month after its passage).

¶4. (C) While noting that they are also strongly against pornography, opponents charge that the bill is overly broad. In making this claim, they point to Article I which provides the definition of pornography for purposes of the bill. Liberal Indonesian contacts have told us that the definition is so broad that a person could easily be arrested for design, art or fashion. Another controversial provision would allow ordinary citizens to get involved in the enforcement of the law. Opponents say that this could lead to vigilante action by Muslim groups.

¶15. (C) Overall, opponents--many of whom come from the secular side of the Indonesian spectrum--have told us that the bill could easily be used by Muslim religious conservatives to constrain personal liberties. Heri Achmadi, an M.P. with the secular-oriented Indonesian Party of Democratic Struggle (PDI-P), told Pol/C that his party would continue to oppose the measure -- "The bill is totally unnecessary and is simply a bid by conservatives to pressure the rest of us." Some women have also wondered whether they could be arrested for wearing certain types of clothes in public. Catholic and Protestant groups--normally in favor of laws protecting social values--have also come out in opposition to the measure.

¶16. (C) Many opponents assert that politics were heavily involved in the bill's passage. Syafi'i Anwar, Executive Director of the International Center for Islam and Pluralism, told poloff that the legislation was "unnecessary" because current laws adequately dealt with pornography. Anwar claimed that upcoming national legislative and presidential elections factored heavily into the support for the bill. Anwar said the proponents of the anti-pornography legislation, including the secular parties Golkar Party and Democratic Party (the party of President Yudhoyono), fear losing Muslim support in next year's election. He said, "No party wants to be perceived as supporting pornography in Indonesia."

FLAK FROM NON-MUSLIM AREAS

¶17. (C) Criticism has also come from several largely non-Muslim sections of Indonesia. The governor of the predominantly Hindu province of Bali, Made Mangku Pastika,

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has publicly stated the province will not implement the bill's provisions when it becomes law, believing that it is unconstitutional. The Head of the Bali Tourism Board (BTB), Ida Bagus Ngurah Wijaya, said the trade group supported a legal challenge to the anti-pornography law.

¶18. (C) There has also been dissonance from the mainly Christian region of Papua in eastern Indonesia. On November 4, nearly 1,000 Christians in Jayapura, Papua, demonstrated against the passage of the anti-pornography bill, saying the measure conflicts with traditional cultures. Papuans are particularly concerned that the law will prompt vigilante style attacks from hard-line Islamist groups acting under the color of the law's provisions, according to MP (Papua) Simon Morin. Morin told poloff that he and several other Golkar parliamentarians raised their concerns with Vice President Jusuf Kalla, who is also the Golkar Party Head. Morin said Kalla agreed that the law had "problems" but said the party had to support it for "political reasons."

THE LEGAL BATTLE TO COME

¶19. (C) There is little doubt that the bill has tapped into the secular-Muslim divide which is a key engine of Indonesia politics. Given the depth of the opposition, the GOI has promised to move forward carefully. Andi Mallarangeng, President Yudhoyono's spokesman, told DepPol/C recently that the government will be "cautious" in implementing the anti-pornography law. In the meantime, Muslim-oriented parties continue to speak up in support of the bill.

¶10. (C) That said, the whole matter will probably be settled by the courts. Pramono Anung, the Secretary General of the PDI-P, told Pol/C on November 12 that his party had already joined in a brief to the Constitutional Court challenging the bill. He acknowledged that the issue could take a long time to resolve as it winds through the court system.